

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

BRIAN BLACKWELL,

Plaintiff,

vs.

CASCADE COUNTY, SHERIFF BOB
EDWARDS, CASCADE COUNTY
CORRECTIONAL FACILITY, and
COMMANDER O'FALLEN,

Defendants.

CV-18-00013-GF-BMM-JTJ

ORDER

Plaintiff Brian Blackwell, a prisoner proceeding without counsel, sent a letter to the Clerk of Court dated October 21, 2018 stating that he does not want to pursue this case any further and asking to dismiss the case. (Doc. 18.) The letter has been construed as a motion for voluntary dismissal brought pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

As this matter has been served upon Defendants and Defendants have filed an Answer (Doc. 14), this case may only be dismissed by court order, on terms that the court considers proper. Fed. R. Civ. P. 41(a). Defendants do not oppose Mr. Blackwell's motion (Doc. 19), therefore, the motion to dismiss will be granted.

Based upon the foregoing, the Court issues the following:

ORDER

1. Mr. Blackwell's October 21, 2018 letter to the Clerk of Court (Doc. 18) as construed as a motion for voluntary dismissal is GRANTED and this matter is DISMISSED.

2. The Clerk of Court is directed to terminate all pending motions and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

3. The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 14th day of November, 2018.



Brian Morris
United States District Court Judge